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STATE OF COLORADO

Bill Owens, Governor
Douglas H. Benevento, Acting Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

April 21, 2004

Mr. Douglas Skie
Program Director
Preparedness, Assessment, and Emergency Response Program
US Environmental Protection Agency, Region 8
999 18th Street, Suite 300, (8EPR-B)
Denver, Colorado 80202-2466

Re: Receipt of Voluntary Cleanup Plan for a portion of a CERCLIS Site

Dear Mr. Skie:

This letter notifies you that we have received a Voluntary Cleanup Program (VCP) application prepared by ARCO that proposes to address contaminated residential soils and remediation of a former mine waste pile in Rico, Colorado. Under the terms of the Memorandum of Agreement (MOA) between the State and the United States Environmental Protection Agency (EPA), the site is defined as "NPL Caliber" (i.e. lead greater than 400 ppm) and has had a PA/SI conducted by EPA.

In a meeting on February 25, 2004, we discussed the Rico situation in light of the requirement of C.R.S. 25-16-309 (2). This provision requires CDPHE to ask that EPA take no further action with respect to the property at least until the VCP is completely implemented. Alternatively, we can request that EPA coordinate actions at the site with our office.

CDPHE's main objective at this site is to facilitate appropriate cleanup of the residential soil contamination. The community has expressed an interest in working with ARCO through the Voluntary Cleanup Program. EPA has an interest in maintaining enforcement authority for the cleanup of the acute risk properties, given the significance of the contamination and given that the state program has no such authority through the VCP. CDPHE believes that the needs of all parties can be accommodated and that the site can be quickly and appropriately cleaned up, using a combined approach of enforceable and voluntary cleanup actions.

As such, the State supports the approach whereby ARCO, under an EPA Administrative Order on Consent (AOC) or some other EPA enforceable mechanism, would perform the removal at properties with greater than 3,000 ppm lead. In addition, we support addressing as many of these yards as possible this construction season. Based on this scenario, the State would approve the VCP application to

address properties with lead contamination less than 3,000 ppm, assuming that the application meets all state requirements.

For the properties below 3,000 ppm, CDPHE is requesting EPA's involvement in the review and approval of the cleanup plan and application and the subsequent implementation of the approved plan.

Please contact me at 303 692-3387 if you have any questions or to schedule a meeting to discuss this further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Deckler', is written over the typed name.

Jeff Deckler
Remedial Programs Manager

cc Aston Harrison, Rico Town Manger
Eric Heil, Rico Town Counsel
David McCarthy, ARCO